

Board of Supervisors

Ann English
Chairman
District 2

Richard R. Searle
Vice-Chairman
District 3

Patrick G. Call
Supervisor
District 1



Michael J. Ortega
County Administrator

James E. Vlahovich
Deputy County Administrator

Arlathe G. Rios
Clerk

AGENDA FOR REGULAR BOARD MEETING **Tuesday, November 5, 2013 at 10:00 AM**

BOARD OF SUPERVISORS HEARING ROOM
1415 MELODY LANE, BUILDING G, BISBEE, AZ 85603

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

PLEDGE OF ALLEGIANCE

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

ROLL CALL

Members of the Cochise County Board of Supervisors will attend either in person or by telephone, video or internet conferencing.

Note that some attachments may be updated after the agenda is published. This means that some presentation materials displayed at the Board meeting may differ slightly from the attached version.

CALL TO THE PUBLIC

This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.

CONSENT

Board of Supervisors

1. Approve the Agreement with the State of Arizona for Broadband Planning Assistance in the amount of \$32,500 with in-kind match of \$8,125 to utilize the consultant services of Systems Technology Staffing, LLC to create Phase II of a broadband development plan for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.
2. Approve the Agreement with the State of Arizona for Broadband Technical Assistance in the amount of \$22,725 with in-kind match of \$5,681.25 to utilize the consultant services of One Random Act, LLC to complete Phase II of a GAP Analysis for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.
3. Approve the Minutes of the regular meeting of the Board of Supervisors of October 22, 2013.

4. Approve the appointments of the following persons as Precinct Committee person for the Republican Party of Cochise County: Precinct #15 Hereford, Michele Emerson-Roberts; Precinct #40 SV Town & Country, Patrick A. Jones.

County Sheriff

5. Approve the Governor's Office of Highway Safety (GOHS) Grant #2014-AL-001 between GOHS and the Sheriff's Office to provide \$40,000 for overtime to support and enhance Impaired Driver/DUI Enforcement throughout Cochise County with a term of October 1, 2013 through September 30, 2014.

Finance

6. Approve demands and budget amendments for operating transfers.

PUBLIC HEARINGS

Community Development

7. Approve Docket SUA-13-14 (West Edge Appeal), an appeal of a September 11, 2013 Planning Commission decision that granted a Special Use request to establish a Medical Marijuana Cultivation and Infusion operation for parcel 201-20-001B located at 5900 W. Greenhouse Road in Willcox, AZ.

Health

8. Adopt Resolution 13-35 to rescind Resolution 12-29 and to amend the Environmental Health Fees as set forth in Exhibit A, to be effective on and after January 1, 2014.
9. Adopt Resolution 13-36 to amend the Cochise County Sanitary Code as set forth in Exhibit A, thereby repealing Resolution 12-28, to be effective on and after January 1, 2014.

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Report by District 2 Supervisor, Ann English

Report by District 3 Supervisor, Richard Searle

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013

Approve Agreement with the State of Arizona for Broadband Planning Assistance

Submitted By: Lisa Marra, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME
of PRESENTER: Lisa M. MarraTITLE
of PRESENTER: Grants
Administrator

Mandated Function?: Federal or State Mandate

Source of Mandate
or Basis for Support?:

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Information
Agenda Item Text:

Approve the Agreement with the State of Arizona for Broadband Planning Assistance in the amount of \$32,500 with in-kind match of \$8,125 to utilize the consultant services of Systems Technology Staffing, LLC to create Phase II of a broadband development plan for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.

Background:

An IGA was approved between the four Southeastern Counties of Cochise, Graham, Greenlee and Santa Cruz on March 12, 2013. This IGA authorizes Cochise County to apply for funds for Broadband Assistance in the region and act as fiscal agent. The IGA is valid through December 31, 2015. A work session was held on February 26, 2013, outlining the process to develop a plan utilizing the funds provided in the Digital Arizona Program. The first round of planning and technical grants was successfully completed in September 2013 with the required milestones achieved. This second round of funding is approximately \$2500 larger than Phase I. The Counties of Graham, Greenlee, and Santa Cruz have authorized Cochise County to apply for and manage this additional round of funding. Phase II will focus on a specific geographic area within each County selected by that County.

Department's Next Steps (if approved):

Lisa Marra will submit the agreements to the State of Arizona and work with Procurement to issue a contract with the consultant for work to begin.

Impact of NOT Approving/Alternatives:

We will not be able to utilize the second round of funding to develop a regional broadband plan which could have a negative impact on our residents in the areas of education, employment, healthcare and public safety.

To BOS Staff: Document Disposition/Follow-Up:

Sign and return 2 original copies to Lisa Marra for forwarding onto State. Upon their signature one original will be returned to BOS.

Attachments

Agreement

Exhibit 1

Cochise County Broadband Community Planning 10_1_2013 Exhibit_1

Board of Supervisors

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013

Approve Agreement with the State of Arizona for Broadband Technical Assistance

Submitted By: Lisa Marra, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME
of PRESENTER: Lisa M. MarraTITLE
of PRESENTER: Grants
Administrator

Mandated Function?: Federal or State Mandate

Source of Mandate
or Basis for Support?:

REMINDER: You will use this Agenda Item template if your item involves a Grant (whether a new or renewal grant). You also must attach the Grant Approval Form to the item before Finance will approve it. Select the SPECIAL LINKS on your left-hand menu and Click on "Grant Approval Form". Then complete the form, save it and attach it to your item (on the Attachments tab).

Information
Agenda Item Text:

Approve the Agreement with the State of Arizona for Broadband Technical Assistance in the amount of \$22,725 with in-kind match of \$5,681.25 to utilize the consultant services of One Random Act, LLC to complete Phase II of a GAP Analysis for the four Southeastern Counties of Cochise, Graham, Greenlee, and Santa Cruz.

Background:

An IGA was approved between the four Southeastern Counties of Cochise, Graham, Greenlee and Santa Cruz on March 12, 2013. This IGA authorizes Cochise County to apply for funds for Broadband Assistance in the region and act as fiscal agent. The IGA is valid through December 31, 2015. A work session was held on February 26, 2013, outlining the process to develop a plan utilizing the funds provided in the Digital Arizona Program. The first round of planning and technical grants was successfully completed in September 2013 with the required milestones achieved. This second round of funding is approximately \$2500 larger than Phase I. The Counties of Graham, Greenlee, and Santa Cruz have authorized Cochise County to apply for and manage this additional round of funding. Phase II will focus on a specific geographic area within each County selected by that County.

Department's Next Steps (if approved):

Lisa Marra will submit the agreement to the State of Arizona and work with Procurement to issue a contract with the consultant for work to begin.

Impact of NOT Approving/Alternatives:

We will not be able to utilize the second round of funding to develop a regional broadband plan which could have a negative impact on our residents in the areas of education, employment, healthcare and public safety.

To BOS Staff: Document Disposition/Follow-Up:

Sign and return 2 original copies to Lisa Marra for forwarding onto State. Upon their signature one original will be returned to BOS.

Attachments

Agreement

Tech Assistance Documents

Background Documents

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013

Minutes

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve the Minutes of the regular meeting of the Board of Supervisors of October 22, 2013.

Background:

Minutes

Department's Next Steps (if approved):

Signed minutes routed for processing and posted on the internet.

Impact of NOT Approving/Alternatives:

n/a

To BOS Staff: Document Disposition/Follow-Up:

Send to the Recorder's Office for microfiche purposes.

Board of Supervisors

Regular Board of Supervisors Meeting**Meeting Date:** 11/05/2013

Republican Precinct Committee Member

Submitted By: Arlethe Rios, Board of Supervisors**Department:** Board of Supervisors**Presentation:** No A/V Presentation**Document Signatures:****NAME** n/a
of PRESENTER:**Mandated Function?:****Recommendation:****# of ORIGINALS****Submitted for Signature:****TITLE** n/a
of PRESENTER:**Source of Mandate
or Basis for Support?:****Information****Agenda Item Text:**

Approve the appointments of the following persons as Precinct Committee person for the Republican Party of Cochise County: Precinct #15 Hereford, Michele Emerson-Roberts; Precinct #40 SV Town & Country, Patrick A. Jones.

Background:

Requested by the Cochise County Republican Committee and verified as eligible by the County Elections department.

Department's Next Steps (if approved):

Send letters to those approved with copies to Elections and to the Cochise County Republican Party.

Impact of NOT Approving/Alternatives:

Vacancies will exist in these positions.

To BOS Staff: Document Disposition/Follow-Up:

Send letters to committee members.

AttachmentsVerification

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013

Impaired Driver/DUI

Submitted By: Mark Genz, County Sheriff

Department: County Sheriff

Presentation: No A/V Presentation

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS 2

Submitted for Signature:

NAME of PRESENTER: Mark Genz

TITLE of PRESENTER: Commander

Docket Number (If applicable):

Mandated Function?: Not Mandated

Source of Mandate or Basis for Support?:

Information

Agenda Item Text:

Approve the Governor's Office of Highway Safety (GOHS) Grant #2014-AL-001 between GOHS and the Sheriff's Office to provide \$40,000 for overtime to support and enhance Impaired Driver/DUI Enforcement throughout Cochise County with a term of October 1, 2013 through September 30, 2014.

Background:

This grant provides funding for overtime to conduct impaired driving enforcement and education within Cochise County. These funds are provided by the Governor's Office of Highway Safety. There are no matching funds required and this grant has been approved as to form by Terry Bannon of the County Attorney's Office.

Department's Next Steps (if approved):

Upon approval, the Sheriff's Office, in coordination with the Southeastern Arizona DUI Task Force, will conduct DUI enforcement and educational activities.

Impact of NOT Approving/Alternatives:

If not approved, we will be unable to provide additional DUI enforcement and educational/community activities without utilizing general funds.

To BOS Staff: Document Disposition/Follow-Up:

Upon approval please return both original copies to the Sheriff's Office so they can be forwarded to the Governor's Office of Highway Safety.

Attachments

Impaired Driving

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013

Demands

Submitted By: Arlethe Rios, Board of Supervisors

Department: Board of Supervisors

Presentation: No A/V Presentation

Document Signatures:

NAME n/a
of PRESENTER:

Mandated Function?:

Recommendation:

of ORIGINALS

Submitted for Signature:

TITLE n/a
of PRESENTER:

**Source of Mandate
or Basis for Support?:**

Information

Agenda Item Text:

Approve demands and budget amendments for operating transfers.

Background:

Auditor-General's requirement for Board of Supervisors to approve.

Department's Next Steps (if approved):

Return to Finance after BOS approval.

Impact of NOT Approving/Alternatives:

Board of Supervisors will not be in compliance with State law.

To BOS Staff: Document Disposition/Follow-Up:

Return to Finance after BOS approval.

Public Hearings 7.
Community Development

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013

Docket SUA-13-14 (West Edge Appeal)

Submitted By: Keith Dennis, Community
Development

Department: Community Development

Division: Planning & Zoning

Presentation: PowerPoint

Recommendation: Daisapprove

Document Signatures: BOS Signature NOT Required

of ORIGINALS 0

Submitted for Signature:

NAME
of PRESENTER: Keith Dennis

TITLE
of PRESENTER: Planner II

Mandated Function?: Not Mandated

Source of Mandate
or Basis for Support?:

Docket Number (If applicable): SUA-13-14 (West Edge)

Information

Agenda Item Text:

Approve Docket SUA-13-14 (West Edge Appeal), an appeal of a September 11, 2013 Planning Commission decision that granted a Special Use request to establish a Medical Marijuana Cultivation and Infusion operation for parcel 201-20-001B located at 5900 W. Greenhouse Road in Willcox, AZ.

Background:

Appellant John Curran, Jr. has filed an appeal against a decision made by the Cochise County Planning and Zoning Commission on Wednesday, September 11, 2013. On a 5–3 vote, the Commission approved a request by Applicant West Edge, LLC for Special Use authorization to establish a Medical Marijuana Cultivation and Infusion operation. The Parcel subject to the appeal (201-20-001B) is located at 5900 W. Greenhouse Road in Willcox, AZ. Section 1716.04 of the Zoning Regulations provides that appeals of Special Use decisions shall be heard by the Board of Supervisors at a duly noticed public hearing.

I. NATURE OF THE APPEAL/PLANNING AND ZONING COMMISSION MEETING At their regular meeting of September 11, 2013, the Planning Commission held a public hearing to consider authorization of a Special Use for a Medical Marijuana Cultivation and Infusion facility on the subject property. The business would operate within the Willcox Greenhouse, a 7.5-acre structure that has historically been used to grow tomato and specialty food crops. The Applicant, West Edge LLC, represented by Adam Baugh of Withey Morris PC, a Scottsdale law firm, intends to use the structure to cultivate and infuse medical marijuana for distribution to markets state wide. At the September 11 Commission hearing, two individuals objected to the project on the grounds that the operation would have far more capacity than the Arizona medical marijuana market could absorb, now or in the future. The fact that the Applicant declined to indicate which or how many dispensaries in Arizona would be served by the proposed growing operation was also discussed. Mr. Bill Brothers, who spoke in opposition to the request, suggested that the operation would be a target for criminal activity, and the ultimate aims and business model of the proposed operation were in question. The Commission expressed some level of agreement with the concerns raised by those who opposed the use. Commission Chairman James Lynch reminded Commissioners that the chief concern of the Commission was to evaluate the compatibility of a given land use in a given location. Other issues, such as those raised by those opposed to the request, were beyond the purview of the Commission's scope of authority, and, he suggested, more properly considered by the Board of Supervisors on appeal. In the end, the Planning Commission approved the land use on a 5 – 3 vote. Appellant John Curran Jr. has

appealed the decision of the County Planning and Zoning Commission on Docket SU-13-14. In the Appeal documents, he states that the decision “should be overturned because the decision was based on erroneous information. The review of the Planning Board was capricious in its oversight as it failed to investigate the facts associated with the application or act in a responsible manner.” Mr. Curran provides a number of points to illustrate this contention, including calling into question the true identity of the corporation seeking to cultivate Medical Marijuana in the greenhouse, whether or not such entity is able to be licensed to conduct Medical Marijuana-related business within the state, and whether the company is recognized by the State of Arizona. Many of the concerns raised at the hearing also appear in the Special Use Appeal documents (see Attachment A).

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES Parcel Size: 311.12-Acres Zoning: Rural (RU-4; one home per 4-acres) Growth Area: Category D (Rural) Comprehensive Plan Designation: Rural Area Plan: None Existing Uses: Greenhouse; Agriculture Zoning/Use of Surrounding Properties Relation to Subject Parcel Zoning District Use of Property North RU-4 Agriculture, Rural Residential South RU-4 Agriculture East RU-4 Agriculture West RU-4 Fort Grant Road, Agriculture

III. PARCEL HISTORY 1994 – Permit issued for construction of four-acre “agricultural exempt hydroponic greenhouse” and two manufactured homes on Parcel 201-20-001. Those portions of the site which included the dwellings were later split from the parent Parcel. 1997 – Permit issued for 3.75-acre greenhouse expansion. 2001 – Permit issued for 3,600-square foot addition to the greenhouse sorting area along the west side of the structure.

IV. NATURE OF SPECIAL USE REQUEST The project site is home to the Willcox Greenhouse, a 7.75-acre greenhouse superstructure built in the 1990s. It has historically been used to grow tomatoes and assorted other vegetable crops. The owner of the greenhouse was approached by West Edge with a proposal to purchase the greenhouse and use a portion of the space as a medical marijuana growing and infusion facility. The Applicants have no intention of opening a dispensary at this location, and no business transactions involving medical marijuana would be conducted at the site. The proposal is to use the greenhouse for cultivation and infusion, with the products being transported to licensed dispensaries elsewhere within the state. If the Board of Supervisors allows the Special Use to proceed, the owner of the greenhouse would split the parcel on which the greenhouse is located into a separate parcel which he would sell to the Applicants. He would also continue to grow tomatoes and other crops in the greenhouse under a lease agreement. The project site is within an existing 7.75-acre greenhouse superstructure, on a 311-acre parcel. The medical marijuana facility would initially occupy about one-quarter of the space within the greenhouse—approximately 85,000-square feet, though the Applicants may decide to expand the growing area in the future. The infusion business, in which medical marijuana is rendered into food-grade consumable products, would also be located within the greenhouse interior. For security purposes, the Applicants intend to construct a separate entrance for the business, at the east end of the greenhouse, so that the conventional agriculture operations are kept separate from the Special Use area. Currently, the entrance is at the west side of the greenhouse. A fence would also be constructed along the growing area within the greenhouse for security reasons. At the Commission hearing, and in the Appeal documents, concerns were raised regarding the viability of the business model, and whether or not the Applicant had complied with, or could comply with state laws as they apply to the proposed land use. Staff’s analysis of this Special Use Docket, as with others, was concerned with the compatibility of the proposed use of land, within the context of the surrounding area, the availability of adequate services and infrastructure, and the ability of the Applicant to mitigate off-site impacts. Staff recommendations for Special Use Dockets always include approval conditions obligating the Applicant to comply with all local, state, and federal laws and conditions as applicable (See Condition #3).

V. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS Section 1716.02 of the Zoning Regulations provides a list of the 10-factors used to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed. Seven of the 10 criteria apply to this request. The project as submitted complies with four of the

seven applicable Special Use factors, as submitted. If the Conditions of Approval recommended by staff are applied, the project would comply with each of the seven applicable Special Use factors. A. Compliance with Duly Adopted Plans: Not Applicable The project site is not within the boundary of any master development plan, transportation or other area plan. B. Compliance with the Zoning District Purpose Statement: Complies Section 601.03 of the Zoning Regulations establishes that the Rural Districts are intended to “preserve the agricultural character of those portions of the county capable of resource production.” C. Development Along Major Streets: Not Applicable Greenhouse Road is a named, paved road which serves this Parcel only—the greenhouse and nearby farm fields. It functions, therefore, as a driveway for the greenhouse. It connects to Fort Grant Road, a Rural Minor Collector. D. Traffic Circulation Factors: Complies (Subject to Condition #2) The proposed use would utilize the existing transportation network in a manner consistent with, and with a lower anticipated impact, than what has historically been the case. The produce from the greenhouses is often shipped to market on semi-trucks, for example, while the cultivation operation would utilize smaller vehicles for market transport, such as vans and medium trucks. The apron connecting Greenhouse Road with Fort Grant Road is in need of repair. Condition #2 would require the Applicant to obtain a right-of-way permit and make repairs to the apron, ensuring that the latter meets with County standards. E. Adequate Services and Infrastructure: Complies The site is served by an on-site agricultural well and septic system. The site has electric power service from the Sulphur Springs Valley Electric Co-operative, natural gas service through Southwest Gas, and is within the service area of the Willcox Rural Fire Department. The site also features paved internal driveways (Greenhouse Road) which accesses the County road maintenance system at Fort Grant Road. F. Significant Site Development Standards: Complies The Applicants intend to meet all required site development standards. A revised site plan would be required at the commercial permit stage, per Condition #1. G. Public Input: Complies The Applicant completed the Citizen Review process and received no response. Views of the Willcox Greenhouse: exterior (above) and interior (below). H. Hazardous Materials: Complies The Special Use application provided a list of fertilizers, pesticides and other inputs that are currently used at the greenhouse. The medical marijuana business will likely also employ fertilizers and pesticides. While the greenhouse activities have historically been exempt from permitting requirements as an ag-exempt use, the proposed medical marijuana operation is not eligible for such exemptions. Condition #3 is a standard condition requiring compliance with all other permit requirements and conditions during the resulting permit process. As part of the non-residential permit requirements, the Applicants will submit an inventory of all such chemical inputs proposed for use as part of the operation, submit material safety data sheets for all applicable products, and confer with County staff with as to protocols for the safe handling, use and disposal of the same. I. Off-Site Impacts: Complies Off-site impacts associated with this project would be primarily traffic-related, but, as stated above, traffic is likely to be lower and consist of smaller transport vehicles than the conventional greenhouse operations. The greenhouse is in the center of a 311-acre agricultural property, surrounded by similar uses. It is anticipated that the impact of the business would result in a site that is essentially unchanged from its present condition. Above: View of the proposed initial cultivation/infusion area. The entrance to this area would be in the background at left. Below: South view along Fort Grant Road. The apron here is in need of repair (Condition #2). J. Water Conservation: Complies The business would utilize the existing water distribution system within the greenhouse. The application describes the capacity of the agricultural well serving the site, but does not specify the estimated water budget for the project. It is anticipated that the proposed medical marijuana business would result in about half the water usage as would be the case if the space were to continue under tomato cultivation. VI. PUBLIC COMMENT The Department mailed notice of this Appeal to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on October 21, 2013, and published a legal notice in the Bisbee Observer on October 17, 2013. Staff received one reply from a neighboring property owner expressing support for the proposed medical marijuana operation. VII. SUMMARY AND CONCLUSION The Appellant’s objections to allowing this use of land in Cochise County are predicated upon issues which may or may not have any bearing on the ultimate viability of the business as proposed. For example, some of the objections to the use listed in the Appeal deal with what is described as the Applicant’s lack of authority to operate a medical marijuana business in Arizona. However, without local zoning approval, the Applicant cannot complete the process of obtaining the appropriate licensure from the State Department of Health Services. In other words, the Special Use permit is a necessary step towards obtaining legal authority to operate this business under state law. As

to the corporate status of West Edge under statute, specifically whether West Edge is authorized to conduct business within the state of Arizona, staff considers such concerns beyond the scope of a land use analysis. The position of the Community Development Department is that, because Special Uses attach to the land itself, rather than an Applicant, questions as to the domestic or foreign status, identity, or ownership of West Edge are less relevant than whether or not the technical analysis of the land use meets with the provisions of the Zoning Regulations, and whether the County zoning authorities regard the project as worthy of approval. Medical marijuana land uses are allowed as Special Uses in the Rural Districts. While some jurisdictions in Arizona include a maximum cultivation area as part of their respective zoning standards for medical marijuana uses, Cochise County does not. This proposal would be for a significant cultivation and infusion operation within the interior of an established agricultural greenhouse superstructure, in an agricultural production area of the County. The products of this enterprise would be brought to licensed dispensaries off-site; no end-user transactions would take place on the property. The Special Use is anticipated to use less water, and produce off-site traffic impacts that are diminished relative to the traffic generated by the produce business existing on-site. The project enjoys the support of local residents, is likely to result in employment opportunities for the County workforce, and, the use was approved by the Planning and Zoning Commission. Factor in Favor of Granting the Appeal 1. One concerned citizen has expressed opposition to the request in writing. Factors in Favor of Denying the Appeal 1. On a 5–3 vote, the Planning Commission approved Docket SU-13-14; 2. With the recommended Conditions of Approval, the proposed use would comply with each of the eight applicable Special Use factors used by staff to analyze such requests; 3. Per Section 601.03 of the Zoning Regulations, the proposed use is appropriate in the Rural Districts and one that would be in keeping with the agricultural character of the area; 4. The proposed use can meet the minimum site development standards for the Rural Zoning Districts as well as those dedicated to medical marijuana uses per Article 18; 5. The proposed use would generate no appreciable off-site impacts; 6. The proposed use would use existing agricultural land, structures, and infrastructure; and 7. Six neighboring property owners have indicated support for the project. VIII. RECOMMENDATION Based on the factors in favor of denying the appeal, Staff recommends that the Board of Supervisors deny the Special Use Appeal, and uphold the September 11, 2013 decision of the Planning Commission to authorize Special Use Docket SU-13-14. Should the Board authorize the Special Use, staff recommends the use be subject to the following Conditions: 1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant; 2. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit from County staff, and work to bring the apron at the Fort Grant Road access into compliance with County Highway Department standards; 3. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and 4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.

Department's Next Steps (if approved):

If approved, the Board would overturn the Commission's approval of Docket SU-13-14, and deny the Special Use Permit.

Impact of NOT Approving/Alternatives:

If not approved, the September 11, 2013 Commission decision approving the Special Use request would be upheld.

To BOS Staff: Document Disposition/Follow-Up:

There is no ordinance or resolution to be signed, nor any next steps for the BOS staff, for this Appeal. If the Board allows the Special Use, the Planning Department will have the Applicant sign an Acceptance of Conditions form and process the required non-residential permit. If the Board grants the Appeal, the land use will not be permitted.

Attachments

SUA-13-14 Staff Memorandum

SUA-13-14 Attachments

SUA-13-14 Powerpoint

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013
Adopt Resolution to Amend Environmental Health Fees and Rescind Resolution 12-29
Submitted By: Jennifer Steiger, Health & Social Services
Department: Health & Social Services

Presentation: PowerPoint

Recommendation: Approve

Document Signatures: BOS Signature Required

of ORIGINALS Submitted for Signature: 1

NAME of PRESENTER: Danny Nikitas

TITLE of PRESENTER: Environmental Health Director

Mandated Function?: Federal or State Mandate

Source of Mandate or Basis for Support?: ADEQ

Docket Number (if applicable):

Information

Agenda Item Text:

Adopt Resolution 13-35 to rescind Resolution 12-29 and to amend the Environmental Health Fees as set forth in Exhibit A, to be effective on and after January 1, 2014.

Background:

Cochise Health & Social Services, Environmental Health Division is amending the current fee schedule, adopted on 7/24/12, (Exhibit B) to allow for simpler fee assessments, better adherence to the FDA Food Code, to satisfy a portion of the FDA program standards and to establish easy to understand "Risk Based" categories, improving the division's overall ability to serve Cochise County.

The "Risk Based" approach will incentivize food establishments to reduce risk by giving them an opportunity to change their permit type by showing a history of compliance. This will also benefit businesses by reducing the number of food permits they currently hold. Additionally, Environmental Health is eliminating fees for all non-profit charitable organizations that hold a current 501 (c) (3).

Department's Next Steps (if approved):

Your approvals are respectfully requested.

Impact of NOT Approving/Alternatives:

Environmental Health would not be able to implement a "Risk Based" approach and meet that portion of the FDA program standards. The current permit types do not incentivize food establishments to reduce risks to the public. The current structure requires multiple food permits for one establishment. Non-profit charitable organizations would still be required to pay for permits.

To BOS Staff: Document Disposition/Follow-Up:

Original Fees Resolution w/Exhibit A attached, sent to Clerk of Board for signatures on 9/26/13. Please return a signed copy of resolution for distribution.

Budget Information

Information about available funds

Budgeted: Funds Available: Adjustment: Amount Available:

Unbudgeted: Funds NOT Available: Amendment:

Account Code(s) for Available Funds

1:

Fund Transfers

Fiscal Year: 2013-2014

One-time Fixed Costs? (\$\$\$): n/a

Ongoing Costs? (\$\$\$): n/a

County Match Required? (\$\$\$): n/a

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): n/a

Source of Funding?: n/a

Fiscal Impact & Funding Sources (if known):

Fiscal impact is unknown due to a complete revision of permit types and fees. Under the new fee schedule (Exhibit A) some establishments will see their fees increase, some decrease, and some stay the same. There is a new fee for ADHS delegated school safety inspections.

Attachments

[New Fee Schedule Resolution 9-13](#)

[9-13 Resolutions Public Notice](#)

[Presentation](#)

Regular Board of Supervisors Meeting

Meeting Date: 11/05/2013
Adopt Resolution to Amend Cochise County Sanitary Code and Repeal Resolution 12-28
Submitted By: Jennifer Steiger, Health & Social Services
Department: Health & Social Services
Presentation: PowerPoint
Document Signatures: BOS Signature Required
NAME of PRESENTER: Danny Nikitas
Mandated Function?: Federal or State Mandate

Recommendation: Approve
of ORIGINALS Submitted for Signature: 1
TITLE of PRESENTER: Environmental Health Director
Source of Mandate or Basis for Support?: ADEQ

Docket Number (if applicable):

Information

Agenda Item Text:

Adopt Resolution 13-36 to amend the Cochise County Sanitary Code as set forth in Exhibit A, thereby repealing Resolution 12-28, to be effective on and after January 1, 2014.

Background:

Cochise Health & Social Services, Environmental Health Division is amending the Cochise County Sanitary Code (see Regulation 2, Section 3, Posting Requirements) in order to set a new requirement that all establishments post their most recent inspection(s) in a conspicuous place, near a main entrance, not obstructed to public view, in an effort to make the information more readily available to the public.

Department's Next Steps (if approved):

Your approvals are respectfully requested.

Impact of NOT Approving/Alternatives:

By not approving this resolution, ordinance and associated Sanitary Code change it will be more difficult for the public to obtain information about specific establishments and their recent inspections.

To BOS Staff: Document Disposition/Follow-Up:

Original Sanitary Code Resolution w/Exhibit A attached sent to the Clerk of the Board for signatures on 9/26/13. Please return a signed copy of resolution distribution.

Budget Information

Information about available funds

Budgeted: Funds Available: Adjustment: Amount Available: n/a

Unbudgeted: Funds NOT Available: Amendment:

Account Code(s) for Available Funds

1: n/a

Fund Transfers

Fiscal Year: n/a

One-time Fixed Costs? (\$\$\$): n/a

Ongoing Costs? (\$\$\$): n/a

County Match Required? (\$\$\$): n/a

A-87 Overhead Amt? (Co. Cost Allocation \$\$\$): n/a

Source of Funding?: n/a

Fiscal Impact & Funding Sources (if known):

Cochise County will not have any fiscal impact realized from this change.

Attachments

Updated Sanitary Code Resolution 9-13

9-13 Resolutions Public Notice

Presentation